

NOTICE OF FORECLOSURE SALE

State of Texas §
 §
County of Rains §

Notice is hereby given of a public non-judicial foreclosure sale.

1. Property To Be Sold. The property to be sold is described as follows:

SEE ATTACHED EXHIBIT "A"

2. Date, Time, and Place of Sale. The sale is scheduled to be held at the following date, time, and place:

Date: **December 4, 2018**

Time: The sale shall begin no earlier than **12:00 PM** or no later than three hours thereafter.

Place: **Rains** County Courthouse in **Emory, Texas**, at the following location: the area designated by the Commissioners Court of **Emory, Rains County, Texas**, pursuant to § 51.002 of the Texas Property Code as the place where foreclosure sales are to take place (if no such place is so designated, the sale will take place in the area where this Notice of Substitute Trustee's Sale is posted).

The deed of trust permits the Mortgagee of Record to postpone, withdraw, or reschedule the sale for another day. In that case, the trustee or substitute trustee under the deed of trust need not appear at the date, time, and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiling may be after the date originally scheduled for this sale.

Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the deed of trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property.

Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

3. Terms of Sale. The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the Mortgagee of Record thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

The sale will be made expressly subject to any title matters set forth in the deed of trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the deed of trust. The sale shall not cover any part of the property that has been released of public record from the lien of the deed of trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a refund of the bid amount.

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LINDA WALLACE
COUNTY CLERK
RHS COUNTY TEXAS
S. M. G. M. G.

deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

4. Type of Sale. The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust executed by **Warren Davis, Yvonne Davis**.
5. Obligations Secured. The Deed of Trust is dated **April 25, 1998**, and is recorded in the office of the County Clerk of **Rains County, Texas**, in/under **Document No 0928, Book Vol 0355, Page 714, Official Public Records of Rains County, Texas**. The deed of trust provides that it secures the payment of the indebtedness and obligations therein described (collectively the "Obligations") including but not limited to the promissory note in the original principal amount of **\$26,000.00**, executed by **Warren Davis, Yvonne Davis**, and payable to the order of **Green Tree Financial Servicing Corporation**.

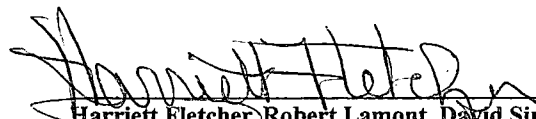
Original Mortgagee: Green Tree Financial Servicing Corporation.

Current Mortgagee of Record: Wells Fargo Bank, N.A., as Trustee for Lake Country Mortgage Loan Trust 2005-HE1, by Ditech Financial LLC, as Servicer with delegated authority for the trustee whose address is 7360 S. Kyrene Road, Tempe, AZ.

6. Default and Request To Act. Default has occurred under the deed of trust, and the beneficiary has requested me, as Substitute Trustee, to conduct this public sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.
7. **ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.**

Sent by: Jeffry B. Lewis
Robertson Anschutz Veters, LLC
1500 CityWest Blvd., Suite 700
Houston, TX 77042

DATED November 13, 2018.


Harriett Fletcher, Robert Lamont, David Sims, Allan Johnston, Ronnie Hubbard, Kelly Goddard, Substitute Trustee
c/o Robertson Anschutz Veters, LLC
1500 CityWest Blvd., Suite 700
Houston, TX 77042
Phone: 713-244-1360

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

1003780-1

All that certain lot, tract or parcel of land situated in Rains County, Texas, being a portion of Section 2 of Whispering Oaks Addition No. 2, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a point on the West line of Briggs Boulevard, a distance of 60 feet South of the Southeast corner of Tract 363 of Whispering Oaks No. 3;

THENCE in a Southerly direction along the West line of Briggs Boulevard a distance of 65 feet to a point for corner;

THENCE Westerly and parallel with the South line of said Lot 363 a distance of 108 feet to a point for corner;

THENCE in a Northerly direction and parallel with the West line of Briggs Boulevard a distance of 65 feet to a point for corner;

THENCE Easterly and parallel with the South line of said Lot 363 a distance of 108 feet to Place of Beginning and being a portion of Section 2 of Whispering Oaks Addition No. 2 and being the same land described in Warranty Deed dated January 30, 1985 from Stella Marie Cook Post et vix, Harold G. Post to Karen G. Burrows as recorded in Volume 237, Page 479, Deed Records, Rains County, Texas.

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

EXHIBIT "A"

HM EQ DT FILED 6 DAY OF May 1988 @ 10:44 AM. RECORDED 7 DAY OF May
1988 © U.S.A.M. MARY SHEPPARD, COUNTY CLERK, RAINS COUNTY, TX, BY *Dorinda Watson*

CAUSE NO. 10492

IN RE: ORDER FOR FORECLOSURE
CONCERNING
220 BRAZIEL BAY
POINT, TX 75472

IN THE DISTRICT COURT OF

UNDER TEX. R. CIV. P. 736

RAINS COUNTY, TEXAS

PETITIONER:

WELLS FARGO BANK, N.A., AS
TRUSTEE FOR LAKE COUNTRY
MORTGAGE LOAN TRUST 2005-HH1,
BY DITECH FINANCIAL LLC, AS
SERVICER WITH DELEGATED
AUTHORITY FOR THE TRUSTEE

RESPONDENT(S):

WARREN DAVIS, YVONNE DAVIS

354TH JUDICIAL DISTRICT

HOME EQUITY FORECLOSURE ORDER

1. On this day, the Court considered Petitioners' Motion for a Default Order granting its application for an expedited foreclosure order under Rule 736. Petitioner's application complies with the requirements of Texas Rule of Civil Procedure 736.1.
2. The name and last known addresses of each Respondent subject to this order is Warren Davis 220 Braziel Bay, Point, TX 75472 AKA 612 Briggs Blvd, Lone Oak, TX 75453, 109 Bowdon St #5, Mineola, TX 75773, 862 Sel Brooks Lane, Bethel Springs, TN 38315 and Yvonne Davis 220 Braziel Bay, Point, TX 75472 AKA 612 Briggs Blvd, Lone Oak, TX 75453, 109 Bowdon St #5, Mineola, TX 75773, 862 Sel Brooks Lane, Bethel Springs, TN 38315. Each Respondent was properly served with the citation, but none filed a response within the time required by law. The return of service for each Respondent has been on file with the court for at least ten (10) days.
3. The property that is the subject of this foreclosure proceeding is commonly known as 220 Braziel Bay, Point, TX 75472 AKA 612 Briggs Blvd, Lone Oak, TX 75453 with the following legal description:

SEE ATTACHED EXHIBIT "A"



TRUE AND CORRECT
COPY OF ORIGINAL
FILED IN RAINS COUNTY
DISTRICT CLERK'S OFFICE


PG 1 OF 4

4. The lien to be foreclosed is indexed or recorded at Document No. 0928, Vol 0355, Page 714 and recorded in the real property records of Rains County, Texas.
5. The material facts establishing Respondent's default are alleged in Petitioner's application and the supporting affidavit. Those facts are adopted by the court and incorporated by reference in this Order.
6. Based on the affidavit of the Petitioner, no Respondent subject to this order is protected from foreclosure by the Servicemembers Civil Act, 50 U.S.C. App. § 501 et seq.
7. Therefore, the Court grants Petitioner's Motion for a Default Order under the Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner may proceed with foreclosure of the property described above in accordance with applicable law and the loan agreement sought to be foreclosed.
8. This Order is not subject to a motion for rehearing, new trial, bill of review or appeal. Any challenge to this Order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.8.

SIGNED THIS 22 day of October, 2018


JUDGE PRESIDING

APPROVED AS TO FORM:

By: 
Stephen D. Wellner
Texas Bar No. 24060812

Jerry B. Lewis
Texas Bar No. 12296600
1500 City West Blvd., Suite 700
Houston, TX 77042
Tel. 713-244-1360
Fax 713-888-2703
Hjgallon@randocs.com
Attorneys for Petitioner

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TRUE AND CORRECT
COPY OF ORIGINAL
FILED IN RAINS COUNTY
DISTRICT CLERK'S OFFICE
Pg 2 OF 5

EXHIBIT "A"



TRUE AND CORRECT
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PG 3 OF 4

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EXHIBIT "A"

H.M. EQ. DT FILED 6 DAY OF May 1988 @ 10:29 AM. RECORDED 7 DAY OF May
1988 @ 11:51 AM. MARY SHEPPARD, COUNTY CLERK, RAINS COUNTY, TX, BY *Donna Watson*